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November 25, 2013

VIA ELECTRONIC FILING
Honorable William D. Wall
United States District Court
Eastern District of New York
Long Island Federal Courthouse
944 Federal Plaza
Central Islip, New York 11722

Re: Spector Group II, LLP v. Transportation Insurance Company, et. al.
Index No.: CV 12-3081

Dear Judge Wall:

As requested by the Court, I write to provide a discovery status report on behalf of Transportation Insurance Company (“TIC”) and Continental Casualty Company (“CCC”). In summary, TIC and CCC continue to await appropriate discovery responses from Spector Group II, LLP (“Spector”). Specifically:

- Despite repeated requests from TIC and CCC, Spector has not yet identified its 30(b)(6) designee.
- TIC served Spector with written discovery requests, on April 4, 2013. Spector failed to respond for over seven (7) months. Then, on or about November 7, 2013, Spector responded by producing approximately twelve thousand (12,000) documents. However, in connection with this production, Spector asserted inapplicable privileges and has repeatedly refused to produce a privilege log. CCC and TIC are accordingly preparing a motion to compel. TIC and CCC seek the Court’s guidance regarding whether they may simply file the motion to compel, or should, instead, first secure a pre-motion conference. In this context, TIC also notes that it anticipates filing a motion to deem admitted a number of matters contained in Spector and SG Design’s Responses to TIC’s Request for Admissions.
- TIC and CCC are also preparing a subpoena to serve on Spector’s professional liability carrier, Iron Shore, to explore whether Iron Shore is a real party at interest to the present action
- TIC and CCC made written discovery requests to SG Design Build LLC (“SG Design”). SG Design’s eventual response, which it made two (2) weeks after the expiration of an extension which SG Design had requested, failed to include any responsive document production whatsoever. TIC and CCC are currently evaluating the possibility of a motion to compel against SG Design.

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- TIC and CCC are preparing additional written discovery to serve on Spector and SG Design, regarding the employment relationship between the underlying bodily injury claimants, Jose Guerrero and Jose Aranda, and Spector Group II, LLC and Mark Spector, d/b/a SG Design Build.

In light of the ongoing discovery issues, TIC and CCC have requested that Spector and SG Design agree to move for a ninety day discovery extension and a ninety day continuance of any future trial date.

Sincerely,

COLLIAUCARLUCCIO KEENER MORROW
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s/ Greta A. Matzen
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cc:

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